

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICARDO VARGAS	§	
	§	CIVIL ACTION NO. 9:05cv108
DAVID STACKS, ET AL.	§	

MEMORANDUM ADOPTING INITIAL REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Ricardo Vargas, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Vargas named a number of defendants in his lawsuit, which raised claims of improper medical care and deliberate indifference to his medical needs, as well as inferences of retaliation. An evidentiary hearing was conducted on September 13, 2005.

Following this hearing, the Magistrate Judge carefully reviewed the testimony, pleadings, and records. On November 4, 2005, the Magistrate Judge issued a Report recommending that Vargas be allowed to proceed on his claims against the unit physician, Dr. Williams, and that the claims against the remaining Defendants be dismissed.

Vargas filed objections to the Magistrate Judge's Report on December 27, 2005. These objections essentially reiterate the claims made in Vargas' pleadings and testimony. He fails to show that the Magistrate Judge's conclusions were in error.

The Court has conducted a careful *de novo* review of the pleadings, records, and testimony in this cause, the Report of the Magistrate Judge, the Plaintiff's objections thereto, including the

attached exhibits, and all other documents and filings in the record. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that all of the Plaintiff's claims except for his claims against Dr. Betty Williams be and hereby are DISMISSED with prejudice as frivolous. It is further

ORDERED that all of the Defendants in this lawsuit except for Dr. Betty Williams be and hereby are DISMISSED as parties to this case.

So **ORDERED** and **SIGNED** this **6** day of **January, 2006**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge